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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,282	01/17/2002	Tatsuya Yoshikawa	16869P-035200US	4847
20350	7590	11/01/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			BROWN, VERNAL U	
TWO EMBARCADERO CENTER			ART UNIT	
EIGHTH FLOOR			PAPER NUMBER	
SAN FRANCISCO, CA 94111-3834			2635	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/052,282	YOSHIKAWA ET AL.	
	Examiner	Art Unit	
	Vernal U. Brown	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7-16, 18-21, 23, 24, 26-32, 37, 38, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-16, 18-21, 23, 24, 26-32, 37, 38, 40 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communication filed on August 08, 2005.

Response to Amendment

The examiner has acknowledged the amended claims 2, 5, 7, 11-16, 18-21, 23-24, 26, 29-32, 37-38, the cancellation of claims 1, 17, 22, 25, 33-36, 39, and the addition of claims 40-41.

Response to Arguments

Applicant's arguments filed 8/08/2005 have been fully considered but they are not persuasive.

Regarding applicant's argument regarding providing service based on the history information, the reference of Ashwin teaches providing service depending on the history information associated with the user, the examiner considers the authorization previously granted to the individual and stored in the database for the removal of items (col. 5 lines 31-37) as the history information and this information is used to determine whether or not a person is allowed to passed through a gate.

Applicant's argument regarding the reference of Muhme is mute because the limitation that the reference of Muhme was relied upon for teaching was cancelled from claim 2.

Applicant's argument regarding determining of the position using time difference between a first time at which the request was sent and a second time at which the request was received is mute in view of new ground of rejection.

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Applicant's arguments with respect to claims 3, 20, 21, 23, 26-28, and 37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3-5, claim 3 includes the limitation that the peripheral device is detected when it is in a predetermined distance to the device, it is not understood how the peripheral device can be detected using a contact sensor and the peripheral device is detected from a predetermined distant. The examiner interpret claims assuming the use of non-contact sensor.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the

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international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 5, 12, 15-16, 18 -19, and 40, are rejected under 35 U.S.C. 102(e) as being anticipated by Ashwin US Patent 6,232,877.

Regarding claims 2, 16, 18-19, and 40, Ashwin teaches method for operating a service device (24) to provide a service (access control) comprising:

detecting a request which is generated by the transmitting of information to the reading device (col. 4 lines 43-47) from a requesting device (12) to provide said service; obtaining peripheral information relating to one or more peripheral devices (col. 4 lines 28-33), said peripheral devices (16) inherently being within a predetermined distance of the service device because the communication between the service device and the peripheral device is RF communication (col. 2 lines 57-59) which is effective over predetermined range. Ashwin also teaches providing service depending on the history information associated with the user, the examiner considers the authorization previously granted to the individual for the removal of items (col. 5 lines 31-37) as the history information

Regarding claim 5, Ashwin teaches the peripheral information for each of said peripheral devices (16) is obtained from said peripheral device (col. 4 lines 30-31).

Regarding claim 12, Ashwin teaches the request to transport the object into a different zone includes user information indicative of a user of said requesting device (12), said step of providing further dependent on said user information (col. 5 lines 11-25).

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Regarding claim 15, Ashwin teaches obtaining peripheral information includes transmitting a peripheral information request (interrogating signal) for said peripheral information (col. 4 lines 47-49) and receiving the access information (col. 5 lines 11-13). Ashwin also teaches a data store apparatus (22) for providing access information and storing history information of the person concerning the asset removed(col. 5 lines 31-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4, 7-10, 13, 27-28, 37, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashwin US Patent 6,232,877 in view of Francis et al. US Patent 6600418 and further in view of Breed US Patent 6823244.

Regarding claims 3-4, and 41, Ashwin teaches method for operating a service device (24) to provide a service (access control) comprising:

detecting a request which is generated by the transmitting of information to the reading device (col. 4 lines 43-47) from a requesting device (12) to provide said service; obtaining peripheral information relating to one or more peripheral devices (col. 4 lines 28-33), said peripheral devices (16) inherently being within a predetermined distance of

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the service device because the communication between the service device and the peripheral device is RF communication (col. 2 lines 57-59) which is effective over predetermined range. Ashwin is silent on teaching the peripheral information includes information relating to position of the peripheral device relative to the service device. Francis et al. in an art related object tracking system using radio frequency tag teaches a tag providing identification and location information (col. 7 lines 15-20, col. 7 lines 42-50) in order to provide tracking information. Francis teaches the use of RF sensor to determine the position of the peripheral device but is silent on teaching the use of infrared sensor to determine the position of the peripheral device. One skilled in the art recognizes that infrared is an alternative wireless transmission means to RF as evidenced by Breed (col. 14 lines 59-62) in determining positions.

It would have been obvious to one of ordinary skill in the art for the peripheral information includes information relating to position of the peripheral device relative to the service device in Ashwin as evidenced by Francis et al. because Ashwin suggests a peripheral device in the form of a tag providing identification information and Francis et al. teaches a tag providing identification and location information in order to track an object and Breed teaches the use of infrared wireless means as an alternative to RF for determining the position information.

Regarding claims 7-8, 10, 27-28, and 37, Ashwin teaches method for operating a service device (24) to provide a service (access control) comprising:

detecting a request which is generated by the transmitting of information to the reading device (col. 4 lines 43-47) from a requesting device (12) to provide said service;
obtaining peripheral information relating to one or more peripheral devices (col. 4 lines

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28-33), said peripheral devices (16) inherently being within a predetermined distance of the service device because the communication between the service device and the peripheral device is RF communication (col. 2 lines 57-59) which is effective over predetermined range. Ashwin is silent on teaching obtaining second peripheral information relating to position of the peripheral device relative to the service device. Francis et al. in an art related object tracking system using radio frequency tag teaches a plurality of tags (130, 140, 150) providing peripheral information such as identification and location information (col. 7 lines 15-20, col. 7 lines 42-50) in order to provide tracking information to the object monitoring system. Francis teaches the use of RF sensor to determine the position of the peripheral device but is silent on teaching the use of infrared sensor to determine the position of the peripheral device. One skilled in the art recognizes that infrared is an alternative wireless transmission means to RF as evidenced by Breed (col. 14 lines 59-62) in determining positions.

It would have been obvious to one of ordinary skill in the art for the peripheral information includes second peripheral information relating to position of the peripheral device relative to the service device in Ashwin as evidenced by Francis et al. because Ashwin suggests a peripheral device in the form of a tag providing identification information and Francis et al. teaches a plurality of tags providing peripheral identification and location information in order to track an object and Breed teaches the use of infrared wireless means as an alternative to RF for determining the position information.

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Regarding claim 9, Ashwin teaches the peripheral information for each of said peripheral devices (16) is obtained from said peripheral device (col. 4 lines 30-31).

Regarding claims 12 and 30, Ashwin teaches the request to transport the object into a different zone includes user information indicative of a user of said requesting device (12), said step of providing further dependent on said user information (col. 5 lines 11-25).

Regarding claim 13, Ashwin teaches obtaining peripheral information includes transmitting a peripheral information request (interrogating signal) for said peripheral information (col. 4 lines 47-49).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ashwin US Patent 6,232,877 in view of Chan et al. US Patent 5550547.

Regarding claim 11, Ashwin teaches reading information from the peripheral tag device (16) (col. 5 lines 11-14) but is silent on teaching the service device obtaining information from the peripheral device independently of obtaining a request from the requesting device. One skilled in the art recognizes that tag devices are conventionally read independently of each other as evidenced by Chan et al. (col. 3 lines 44-54) in order to obtain information pertinent to a particular tag.

It would have been obvious to one of ordinary skill in the art for the service device to obtain information from the peripheral device independently of obtaining a request from the requesting device in Ashwin in view of Chan et al. because Ashwin suggests reading information from the peripheral tag device and one skilled in the art

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recognizes that tag device are conventionally read independently of each other as evidenced by Chan et al. in order to obtain information pertinent to a particular tag.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ashwin US Patent 6,232,877 in view of Asama et al. US Patent 5929778.

Regarding claim 14, Ashwin teaches obtaining peripheral information from a RF tag by a reader transmitting an interrogating signal to the tag requesting information (col. 4 lines 47-49) but is silent on teaching obtaining peripheral information without transmitting a request signal. Asama et al. in an art related data carrier system teaches a tag transferring information to a tag reader without a request signal by using magnetic induction principle by which the magnetic field created by the tag reader enable the tag to transmit its stored data to the tag reader (col. 1 lines 36-67) and further permitting the tag to be operated without an active power supply.

It would have been obvious to one of ordinary skill in the art to obtain peripheral information without transmitting a request signal in Ashwin as evidenced by Asama et al. because Ashwin suggests obtaining peripheral information from a tag device and Asama et al teaches tag transferring information to a tag reader without a request signal by using magnetic induction principle by which the magnetic field created by the tag reader enable the tag to transmit its stored data to the tag reader in order to permit the tag to be operated without an active power supply.

Claims 20-21, 23-24, 26, 29, 30-32, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashwin US Patent 6,232,877 in view of Francis et al. US Patent 6600418 and further in view of Gordon et al. US Patent 6567486.

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Regarding claims 20, 23, 24, 26, 31, and 37-38, Ashwin teaches method for operating a service device (24) to provide a service (access control) comprising:

detecting a request which is generated by the transmitting of information to the reading device (col. 4 lines 43-47) from a requesting device (12) to provide said service; obtaining peripheral information relating to one or more peripheral devices (col. 4 lines 28-33), said peripheral devices (16) inherently being within a predetermined distance of the service device because the communication between the service device and the peripheral device is RF communication (col. 2 lines 57-59) which is effective over predetermined range. Ashwin is silent on teaching obtaining second peripheral information relating to position of the peripheral device relative to the service device and the positional information is determined using a time difference between a first time at which the request was sent and a second time at which the request was received. Francis et al. in an art related object-tracking system using radio frequency tag teaches a plurality of tags (130, 140, 150) providing peripheral information such as identification and location information (col. 7 lines 15-20, col. 7 lines 42-50) in order to provide tracking information to the object monitoring system and is also silent on teaching the positional information is determined using a time difference between a first time at which the request was sent and a second time at which the request was received. One skilled in the art recognizes the determination of positional information using the time difference between the transmitted and received signal is a conventional practice and is evidenced by Gordon et al. (col. 1 lines 25-35) in order to determine the location of a mobile transmitter.

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It would have been obvious to one of ordinary skill in the art for the peripheral information includes information relating to position of the peripheral device and the positional information is determined using a time difference between a first time at which the request was sent and a second time at which the request was received in Ashwin as evidenced by Francis et al. in view of Gordon et al. because Ashwin suggests obtaining information from the peripheral device and Francis et al. teaches a peripheral device providing identification information including positional information and one skilled in the art recognizes that the determination of positional information using the time difference between the transmitted and received signal is a conventional practice and is evidenced by Gordon et al. in order to determine the location of a mobile transmitter.

Regarding claim 21, Ashwin teaches a tag providing peripheral information that is used for identification purposes devices (col. 4 lines 28-33) but is silent on teaching obtaining second peripheral information relating to position of the peripheral device relative to the service device. Francis et al. in an art related object-tracking system using radio frequency tag teaches a plurality of tags (130, 140, 150) providing peripheral information such as identification and location information (col. 7 lines 15-20, col. 7 lines 42-50) in order to provide tracking information to the object monitoring system.

It would have been obvious to one of ordinary skill in the art for the peripheral information includes second peripheral information relating to position of the peripheral device relative to the service device in Ashwin as evidenced by Francis et al. because Ashwin suggests a peripheral device in the form of a tag providing identification

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information and Francis et al. teaches a plurality of tags providing peripheral identification and location information in order to track an object.

Regarding claim 29, Ashwin teaches the control circuit (reading apparatus) obtains peripheral information from the host computer (col. 5 lines 31-37). The interface between the computer and the reader for receiving information is different from and independent of the detecting circuitry for detecting information from the RF tag.

Regarding claim 30, Ashwin teaches the request to transport the object into a different zone includes user information indicative of a user of said requesting device (12), said step of providing further dependent on said user information (col. 5 lines 11-25).

Regarding claim 32, Ashwin teaches providing service depending on the history information associated with the user, the examiner considers the stored authorization previously granted to the individual for the removal of items (col. 5 lines 31-37) as the history information.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the


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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
October 18, 2005



BRIAN ZIMMERMAN
PRIMARY EXAMINER